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April 6, 1994

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**Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554**

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MAIL BRANCH

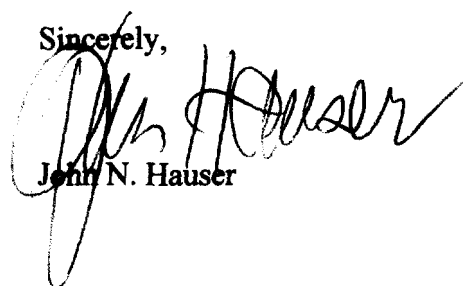
**Inquiry into Sports Programming Migration
PP Docket No. 93-21**

Dear Commission:

Enclosed are an original and nine copies of the response by Mr. Thomas Hansen, Commissioner of the Pacific-10 Conference, to the Notice of Inquiry dated March 10, 1994 into Sports Programming Migration and related matters. I have enclosed the extra copies so that each Commissioner can have one.

If there are any questions regarding this matter please let me know; I am the attorney for the Pacific-10 Conference in connection with this matter.

Sincerely,



John N. Hauser

Enclosures

cc: Mr. Thomas C. Hansen, Commissioner

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Implementation of Section 26 of the
Cable Television Consumer Protection
and Competition Act of 1992

Inquiry into Sports Programming
Migration

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PP Docket No. 93-21

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MAIL BRANCH

**RESPONSE OF THOMAS C. HANSEN TO
FURTHER NOTICE OF INQUIRY DATED MARCH 10, 1994**

I am and since 1983 have been Commissioner of the Pacific-10 Conference, an unincorporated association consisting of the University of Arizona, Arizona State University, University of California, Berkeley, University of Oregon, Oregon State University, Stanford University, University of California, Los Angeles, University of Southern California, University of Washington and Washington State University.

I have been involved with the television of college sports for over twenty years, first with the National Collegiate Athletic Association where I worked from 1967 to 1983 and then as Commissioner of the Pacific-10 Conference.

I am aware of the Further Notice of Inquiry issued by the Federal Communications Commission on March 10, 1994. I furnish this statement to supply information that I believe the FCC has requested and that is available to me as Commissioner of the Pacific-10 Conference.

The Commission has requested information regarding television contracts with networks and cable companies. The Pacific-10 Conference is a party to two such football contracts. One is with ABC (the Big Ten Conference also is a party to this agreement). The latest ABC Agreement was executed in 1993. The Pacific-10 Conference is also a party to an agreement with Prime Ticket Network. This agreement was executed in 1989 with a minor amendment in 1990. I believe that the Commission already has copies of these agreements. If you do not please let me know.

Our individual Conference members themselves all have contracts with local television stations or cable companies for their home games. The individual institutions negotiate these agreements themselves and are free to do so, although provisions of such agreements must not conflict with the Pacific-10 Conference agreements with ABC or Prime Ticket Network. I believe that the great majority of the telecasts or cablecasts under these agreements are on a delayed basis, that is to say the telecasts or cablecasts occur subsequent to the conclusion of the games.

In 1983, the first year I was Commissioner, Pacific-10 Conference institutions had seventeen regular season football appearances on network television¹ and three appearances on the cable facilities of Turner Network. By way of contrast, ten years later in 1993, Pacific-10 institutions had twenty-nine regular season network television appearances plus twenty-three cable appearances.² Thus in the last decade, Pacific-10 regular season network television football appearances have increased almost two-fold and at the same time cablevision appearances have increased much more than that. The effect of cable has been to add to the increasing number of network television appearances, not to subtract from those appearances. Of course, it should be pointed out that with the wide availability of cable service, a substantial portion of the viewing audience now receives all television programming via cable: network telecasts, local station telecasts, national cable telecasts and regional cable network telecasts.

Let me lay to rest another misconception. While television and cable revenues to the Pacific-10 Conference are substantial - and a source of revenue that is very important to Pacific-10 institutions - revenues from live attendance sale of tickets for \$20.00 to \$30.00 apiece are a much larger source of income for the Pacific-10 members. Thus, in general, our members are reluctant to arrange their television and cable appearances in a way that might lessen live attendance. Unlike NFL football, our college football television arrangements do not result in a local blackout of television when the live attendance is not a sellout. Accordingly, I believe Pacific-10 institutions generally are reluctant to agree to live local television of their home games for fear that this would affect live attendance without at the same time producing substantial revenues. Delayed telecasting is a much more attractive option from that point of view.

Pay-per-view has not yet been and probably never will be a substantial factor for regular-season college football. In 1993, the Pacific-10 Conference's total revenues from pay-per-view were approximately \$20,000.00.

¹ The definition of appearance I am using is the televising or cablecast of a single specific Pacific-10 institution. Thus an intraconference game between two Pac-10 institutions would equal two appearances and a nonconference game between a Pac-10 team and a team outside the Conference would equal one Pac-10 appearance.

² This does not include the appearances by Pac-10 teams through their own individual arrangements with television stations or cable, as to which the Pac-10 itself does not maintain records.

Television of college football is becoming more broad-based and active than ever. Commencing in 1996, three of the nation's major networks (ABC, CBS and NBC) for the first time will be showing college football during the same season. The Fox network, which now will be showing regular-season professional football, also is a possible participant in televising college sports. The four networks deliver product programming area by area via local broadcast stations, over 700 of them. And in cable, ESPN and Prime Network are strong competing forces in showing college sports, with nationwide capabilities. In addition the regional cable networks are interested in telecasting college football games.

People have a tendency to use the term "market" in a loose, vague way. Thus, as an example, sometimes there are references to the "market" for college football television as if it were some kind of isolated, self-contained business. In fact, television of college football must compete for viewership with a wide variety of other media products, including other sports and entertainment events, even Saturday afternoon at the movies. If college football cannot earn the ratings sought by the networks, it will not be televised. Illustrative of this, CBS (which televised college football from 1982 to 1990) has not and will not televise regular season college football from 1990 to 1996.

I understand that in the course of this inquiry questions have been raised about the so-called twelve-day rule, under which a network in some circumstances may have until twelve days before a game to select it for television. The purpose of this procedure, of course, is to provide viewers to the extent possible with the most interesting and competitive games. However, at least in the case of the Pacific-10's contract with ABC in recent years, ABC has been obliged to furnish a preliminary schedule to the Pacific-10 by March 15 of the games to be televised during the regular season. By May 1, ABC must definitely select games for the first three weeks of September, some homecoming games and games for early telecast or where the date or kickoff time needs to be changed for television. Approximately one third to forty percent of the games televised are selected thereby by May 1. As to the games that are selected later for television, some clearly can be predicted in advance. I think that in the last ten years knowledgeable persons in the television and cable business have learned how to cope with such fluidity of scheduling as exists, and this process has no real impact on regional or local telecasters.

The Pacific-10 Conference did not affirmatively choose to enter into the exclusivity provisions in its contracts with ABC and Prime Ticket Network. Time period exclusivity invariably has been required by the networks and cablecasters, and in order to compete and obtain exposure on national and regional television and cable the Pacific-10 has had to agree to such exclusivity. On the other hand, it is difficult to see how the cablecasters and network could put together a feasible college football series without some assurance of exclusivity.

I do not believe that the contracts the Pacific-10 Conference has had with television networks and cable companies for football are or were unreasonably restrictive or "preclusive". The result of such agreements has been to increase viewership of Pacific-10 Conference games - and exposure of our games is of great importance to us. At the same time, the number of Pacific-10 Conference game appearances has increased, as indicated above, even without counting the local arrangements all of our institutions have with cable operators or local stations, to the immediate benefit of the college football television consumer.

Dated: *April 4, 1994*

Very truly yours,

A handwritten signature in cursive script that reads "Thomas C. Hansen".

Thomas C. Hansen
Commissioner
Pacific-10 Conference